

GOVERNOR'S REGULATORY REVIEW COUNCIL

This section of the Register contains information submitted for publication by the Governor's Regulatory Review Council. The Five-Year Review Schedule is listed and will be updated as necessary. Also in this section will appear the tentative agendas for the monthly Council meetings and summaries of action taken by the Council at the monthly meetings.

NOTICE OF PUBLIC MEETING AND AGENDA OF THE NOVEMBER 3, 1998 GOVERNOR'S REGULATORY REVIEW COUNCIL

Pursuant to A.R.S. § 38-431.02, notice is hereby given to members of the Governor's Regulatory Review Council and the general public that the Governor's Regulatory Review Council will hold a regular meeting, open to the public, on **TUESDAY, NOVEMBER 3, 1998**. This meeting will be held at 9 a.m. in the auditorium on the 1st floor of the **INDUSTRIAL COMMISSION, 800 WEST WASHINGTON, PHOENIX, ARIZONA**. For additional information, call the Governor's Regulatory Review Council office at (602) 542-2058. Pursuant to A.R.S. § 38-431.03(A)(3), the Governor's Regulatory Review Council may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice on any item on the agenda.

A. 9 a.m. - CALL TO ORDER

B. APPROVAL OF MINUTES OF: October 6, 1998

C. CONFLICT OF INTEREST:

D. CONSIDERATION OF 5-YEAR-REVIEW REPORTS:

1. STATE LAND DEPARTMENT (F-98-1002)

12 A.A.C. 5, Article 1, General Provisions; Article 2, Practice and Procedures in Contested Cases Before the Arizona State Land Commissioner; Article 3, Selections, Investigations, Classifications and Appraisals; Article 4, Sales; Article 5, Leases; Article 7, Special Leasing Provisions; Article 8, Rights-of-Way; Article 9, Exchanges; Article 10, Timber Sales; Article 11, Special Use Permits; Article 17, Natural Resource Conservation Districts; Article 18, Mineral Leases; Article 19, Prospecting Permits; Article 20, Common Mineral Materials and Natural Products; Article 21, Oil and Gas Leases; Article 22, Geothermal Resources; Article 24, Navigable Stream Public Trust Land; and Article 25, Classifying Trust Lands as Suitable for Conservation Purposes.

2. DEPARTMENT OF ENVIRONMENTAL QUALITY (F-98-1004)

18 A.A.C. 2, Article 1, General; Article 2, Ambient Air Quality Standards, Area Designations, Classifications; Article 3, Permits and Permit Revisions; Article 4, Permit Requirements For New Major Sources and Major Modifications to Existing Major Sources; Article 5, Classifications; Article 7, Existing Stationary Source Performance Standards; Article 9, New Source Performance Standards; and Article 11, Federal Hazardous Air Pollutants

3. STATE BANKING DEPARTMENT (F-98-1102)

20 A.A.C. 4, Article 1, General; Article 2, Bank Organization and Regulation; Article 3, Savings and Loan Associations; Article 4, Credit Unions; Article 5, Small Loans

4. AIR POLLUTION CONTROL HEARING BOARD (F-98-1103)

18 A.A.C. 3, Article 1, Rules Of Procedure

5. ARIZONA CRIMINAL JUSTICE COMMISSION (F-98-1104)

10 A.A.C. 4, Article 1, Crime Victim Compensation Program; Article 2, Crime Victim Assistance Program; and Article 4, Drug and Gang Enforcement Account Administrative Program

E. CONSIDERATION OF RULES:

1. BOARD OF TECHNICAL REGISTRATION (AR-98-1101)

4 A.A.C. 30, Article 2, Registration Provisions

Repeal: R4-30-206

Renumber R4-30-202, R4-30-203, and R4-30-207

Amend: R4-30-201 through R4-30-204

New Sections: R4-30-209 through R4-30-211

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2. **BOARD OF OPTOMETRY (AR-98-1102)**
4 A.A.C. 21, Article 1, General Provisions; Article 2, Licensing Provisions, Article 3, Regulatory Provisions; and Article 4, Public Participation Procedures (New Article)
Repeal: R4-21-202, R4-21-203
Renumber: R4-21-202, R4-21-204; R4-21-205, R4-21-207 through R4-21-209; R4-21-306 through R4-21-308
Amend: R4-21-101 through R4-21-103; R4-21-201; R4-21-202; R4-21-207 through R4-21-209; R4-21-301 through R4-21-305; R4-21-307 and R4-21-308
New Sections: R4-21-203 through R4-21-206; R4-21-306; R4-21-401 through R4-21-406
New Table: Table 1
3. **BOARD OF BEHAVIORAL HEALTH EXAMINERS (AR-98-1103)**
4 A.A.C. 6, Article 6, Marriage And Family Therapy
Amend: R4-6-604
4. **BOARD OF NURSING (AR-98-1104)**
4 A.A.C. 19, Article 3, Licensure
Amend: R4-19-308
5. **BOARD FOR PRIVATE POSTSECONDARY EDUCATION (AR-98-1105)**
4 A.A.C. 39, Article 1, Definitions, Licensure and Reporting
Repeal: R4-39-109
Renumber: R4-39-109 through R4-39-112
Amend: R4-39-108, R4-39-110 through R4-39-112
6. **BOARD FOR PRIVATE POSTSECONDARY EDUCATION (AR-98-1106)**
4 A.A.C. 39, Article 2, Fees
Amend: R4-39-201
7. **BOARD OF ACCOUNTANCY (AR-98-1108)**
4 A.A.C. 1, Article 1, General Provisions; Article 2, CPA Examination Provisions; Article 3, Certification and Registration Provisions; and Article 4, Regulations Provisions
Repeal: R4-1-227 and R4-1-454
Amend: Article 1, R4-1-101, R4-1-102, R4-1-104, R4-1-105, R4-1-113 through R4-1-117; Article 2, R4-1-226, R4-1-228 through R4-1-230; Article 3, R4-1-342 through R4-1-346; Article 4, R4-1-453, and R4-1-455 through R4-1-455.04
New Sections: R4-1-115.01 and R4-1-115.02
8. **BOARD OF PHARMACY (AR-98-1109)**
4 A.A.C. 23, Article 8, Poisons or Hazardous Substances; and Article 10, Uniform Controlled Substances and Drug Offenses
Repeal: Article 8; R4-23-801 through R4-23-804, R4-23-1002 and R4-23-1004
9. **ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AR-98-1111)**
9 A.A.C. 28, Article 1, Definitions; Article 4, Eligibility and Enrollment; and Article 7, Standards for Payment (New Section)
Repeal: R9-28-402
Amend: R9-28-104 through R9-28-107
New Section: R9-28-712
10. **DEPARTMENT OF ECONOMIC SECURITY (AR-98-1112)**
6 A.A.C. 15, Article 1, General Provisions; Article 2, Application Process; Article 3, Non-Financial Eligibility Criteria; Article 4, Financial Eligibility; Resources; Article 5, Financial Eligibility; Income; Article 6; Work Participation; Employment Levels; Article 7, Eligibility and Payments; Article 8, Changes; Adverse Action; Article 9, Overpayments; Article 10, Intentional Program Violations; Article 11, Subsidized Employment Program (New Articles)
New Sections: R6-15-101 through R6-15-111; R6-15-201 through R6-15-208; R6-15-301 through R6-15-313; R6-15-401 through R6-15-404, R6-15-501 through R6-15-506; R6-15-601 through R6-15-611; R6-15-701 through R6-15-706; R6-15-801 through R6-15-805; R6-15-1101 through R6-15-1102

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11. **DEPARTMENT OF INSURANCE (AR-98-1004)**
20 A.A.C. 6, Article 2, Transaction of Insurance
Amend R20-6-206

F. ADJOURNMENT

PLEASE NOTE THE FOLLOWING:

THIS AGENDA IS SUBJECT TO CHANGE UP TO 24 HOURS BEFORE THE MEETING.

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION, SUCH AS A SIGN LANGUAGE INTERPRETER, BY CONTACTING TONI GALE AT 542-2058. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.

A COPY OF THE AGENDA AND BACKGROUND MATERIAL PROVIDED TO COUNCIL MEMBERS (WITH THE EXCEPTION OF MATERIAL RELATING TO POSSIBLE EXECUTIVE SESSIONS) IS AVAILABLE FOR PUBLIC INSPECTION AT THE COUNCIL'S OFFICE, 1400 WEST WASHINGTON, SUITE #270, PHOENIX, ARIZONA 85007.

**NOTICE OF ACTION TAKEN AT THE
OCTOBER 6, 1998, MEETING**

FINAL RULES:

1. **BOARD OF CHIROPRACTIC EXAMINERS (AR-98-0901)**
4 A.A.C. 7, Article 5, Licenses

New Sections: R4-7-502, R4-7-503, and R4-7-504

COUNCIL ACTION: APPROVED

2. **DEPARTMENT OF ENVIRONMENTAL QUALITY (AR-98-0907)**
18 A.A.C. 2, Article 10, Motor Vehicles; Inspection and Maintenance

Amend: R18-2-1003, R18-2-1006, R18-2-1010, and R18-2-1019

COUNCIL ACTION: APPROVED

3. **DEPARTMENT OF ENVIRONMENTAL QUALITY (AR-98-1002)**
18 A.A.C. 7, Article 4, Voluntary Remediation Program

New Section: R18-7-401

Repeal: R18-7-401

COUNCIL ACTION: APPROVED

4. **DEPARTMENT OF ENVIRONMENTAL QUALITY (AR-98-1003)**
18 A.A.C. 12, Article 7, Underground Storage Tank Grant Program

Amend: R18-12-705, R18-12-706, R18-12-707, R18-12-710, R18-12-712, and R18-12-714

COUNCIL ACTION: APPROVED

5. **DEPARTMENT OF INSURANCE (AR-98-1004)**
20 A.A.C. 6, Article 2, Transaction of Insurance

Amend: R20-6-206

COUNCIL ACTION: TABLED

6. **DEPARTMENT OF INSURANCE (AR-98-1005)**
20 A.A.C., 6, Article 16, Credit for Reinsurance

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Amend: R20-6-1601 and R20-6-1604

COUNCIL ACTION: APPROVED

7. INDUSTRIAL COMMISSION (AR-98-1006)

20 A.A.C. 5, Article 2, Rules of the Industrial Commission of Arizona Governing Self-Insurance

Amend: Article 2; R20-5-201

New Sections: R20-5-223 and R20-5-224

COUNCIL ACTION: APPROVED

8. BOXING COMMISSION (AR-98-1007)

4 A.A.C. 3, Article 4, Administration

New Sections: R4-3-412.01

COUNCIL ACTION: APPROVED

9. DEPARTMENT OF HEALTH SERVICES (AR-98-1008)

9 A.A.C. 10, Article 10, Behavioral Health Service Agencies

Repeal: R9-10-1011 through R9-10-1030

COUNCIL ACTION: APPROVED

10. DEPARTMENT OF COMMERCE (AR-98-1009)

20 A.A.C. 1, Article 2, Independent Group Residence Program

Repeal: Article 2; R20-1-201, R20-1-202, R20-1-203, R20-1-204, R20-1-205, and R20-1-206

COUNCIL ACTION: APPROVED

11. DEPARTMENT OF AGRICULTURE (AR-98-1010)

3 A.A.C. 1, Article 1, Definitions

New Section: R3-1-102

Amend: Article 1

COUNCIL ACTION: APPROVED

12. DEPARTMENT OF AGRICULTURE (AR-98-1011)

3 A.A.C. 2, Article 1, General Provisions, Table 1 (New Table); Article 11, Slaughterhouse and Wholesale Processing and Establishment Registration, Fees.

New Sections: R3-2-102 and Table 1

Amend: R3-2-1102

COUNCIL ACTION: APPROVED

13. DEPARTMENT OF AGRICULTURE (AR-98-1013)

3 A.A.C. 3, Article 1, Definitions, Table 1 (New Table)

New Sections: R3-3-102 and Table 1

Amend: Article 1

COUNCIL ACTION: APPROVED

14. DEPARTMENT OF AGRICULTURE (AR-98-1014)

3 A.A.C. 3, Article 10, Agriculture Safety

New Sections: R3-3-1002, R3-3-1005 through R3-3-1011

Renumber: R3-3-1002

Repeal: R3-2-1003, R3-3-1005 through R3-3-1008

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Amend: R3-3-1001, R3-3-1003, and R3-3-1004

COUNCIL ACTION: APPROVED

15. DEPARTMENT OF AGRICULTURE (AR-98-1015)

3 A.A.C. 4, Article 1, General Rules and Definitions, Table 1 (New Table)

New Sections: R3-4-102 and Table 1

Renumber: R3-4-102

Amend Article 1

COUNCIL ACTION: APPROVED

16. DEPARTMENT OF HEALTH SERVICES (AR-98-1017)

9 A.A.C. 8, Article 9 (New Article), Bedding and Article 16, Bedding Regulations

New Sections: Article 9; R9-8-901 through R9-8-9-917

Repeal: Article 16, R9-8-1611, R9-8-1612, R9-8-1614 through R9-8-1622, and R9-8-1624 through R9-8-1649

COUNCIL ACTION: APPROVED

17. INDUSTRIAL COMMISSION (AR-98-1018)

20 A.A.C. 5, Article 4, Arizona Boiler And Lined Hot Water Heater Rules

Amend: Article 4, R20-5-401, R20-5-402, R20-5-404, R20-5-406 through R20-5-418

New Sections: R20-5-419 and R20-5-420

COUNCIL ACTION: APPROVED

18. DEPARTMENT OF WEIGHTS AND MEASURES (AR-98-1019)

20 A.A.C. 2, Article 1, Administration and Procedures: Table 1 (New Table); Article 2, Weighing and Measuring Devices; Article 3, Packaging and Labeling; Article 4, Method of Sale Commodities; Article 5, Public Weighmasters; Article 6, Registered Service Representatives; Article 8, Used Oil and Used Oil Fuel; Article 9, Gasoline Vapor Control

New Sections: R20-2-107 through R20-2-109, Table 1, R20-2-201, R20-2-202, R20-2-302, R20-2-501 through R20-2-503, R20-2-905, R20-2-906 and R20-2-911

Repeal: R20-2-102 through R20-2-103, R20-2-107, R20-2-111, R20-2-112, R20-2-114, R20-2-201, R20-2-302 through R20-2-313; Article 4, R20-2-401 through R20-2-412, R20-2-501; Article 8, R20-2-801 through R20-2-812, and R20-2-901

Renumber: R20-2-101 through R20-2-106, R20-2-108 through R20-2-110, R20-2-113, R20-2-202 through R20-2-204, R20-2-502 through R20-2-507, R20-2-901 through R20-2-910, and R20-2-912

Amend: R20-2-101 through R20-2-106, R20-2-110, R20-2-113, Article 2, R20-2-203, R20-2-204, Article 3, R20-2-301, R20-2-504 through R20-2-507; Article 6, R20-2-601 through R20-2-604, R20-2-901 through R20-2-904, R20-2-907 through R20-2-910, and R20-2-912

COUNCIL ACTION: APPROVED

19. LOTTERY (AR-98-1020)

19 A.A.C. 3, Article 2, Retailers

New Sections: R19-3-207

Repeal: R19-3-202

Renumber: R19-3-203, R19-3-204, R19-3-205, R19-3-106, and R19-3-207

Amend: R19-3-201, R19-3-203, R19-3-204, R19-3-205, and R19-3-206

COUNCIL ACTION: APPROVED

20. DEPARTMENT OF INSURANCE (AS-98-1001)

4 A.A.C. 32, Article 1, General Provisions; Article 2, Servicing Carriers; Article 3, Eligibility for Coverage in the Plan; Article 4, Assessment of Participating Insurers; Article 5, Recoupment of Assessment; Article 6, Termination of the Plan and Closing of

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Plan Accounts; Article 7, Establishment of Premium; Article 8, Potential Claim Coverage; Article 9, Escrow Account for Self Insurers; Article 10, Joint Underwriting Plan Fund

Repeal: R4-32-101 through R4-32-109, R4-32-201 through R4-32-206, R4-32-301, R4-32-302, R4-32-401 through R4-32-405, R4-32-501, R4-32-601, R4-32-602, R4-32-701, R4-32-702, R4-32-801, R4-32-901 and R4-32-1001

COUNCIL ACTION: RETURNED

21. DEPARTMENT OF HEALTH SERVICES (AS-98-1002)

9 A.A.C. 8, Article 8, Public and Semipublic Bathing Places

Repeal: R9-8-821, R9-8-822, R9-8-831 through R9-8-837, R9-8-839, R9-8-841, Exhibit A, R9-8-842 through R9-8-846

COUNCIL ACTION: APPROVED